

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD, INC., Case No. 2:18-md-2846
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION

CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
JEWELL JOHNSTON.

Civil Action No. 2:22-cv-2118

SHORT FORM COMPLAINT

Plaintiff(s) file(s) this Short Form Complaint pursuant to Case Management Order No. 9 and is/are to be bound by the rights, protections, and privileges and obligations of that Order. Plaintiff(s) hereby incorporate(s) the Master Complaint in MDL No. 2846 by reference. Plaintiff(s) further show(s) the Court as follows:

1. The name of the person implanted with Defendants' Hernia Mesh Device(s):
Jewell Johnston
2. The name of any Consortium Plaintiff (if applicable):
Not applicable
3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):
Not applicable
4. State of Residence:
Kansas
5. District Court and Division in which action would have been filed absent direct filing:
U.S. District Court, District of Rhode Island

6. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Davol, Inc.
- ☒ B. C.R. Bard, Inc.
- ☒ C. Other (please list: Becton, Dickinson and Company)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted (Check device(s) implanted):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch

- ☒ Ventralight ST
- ☐ Ventrío Patch
- ☐ Ventrío ST
- ☐ Visilex
- ☐ Other (please list in space provided below):

8. Defendants' Hernia Mesh Device(s) about which Plaintiff is making a claim (Check applicable device(s)):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☐ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug

- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch
- ☒ Ventralight ST
- ☐ Ventrion Patch
- ☐ Ventrion ST
- ☐ Visilex
- ☐ Other (please list in space provided below):

9. Date of Implantation and state of implantation: 08/31/2020, Kansas
10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants' Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)?: Yes _____ No X
11. Basis of Jurisdiction:
- ☒ Diversity of Citizenship
 - ☐ Other: _____
12. Counts in the Master Complaint adopted by Plaintiff(s):
- ☒ Count I – Strict Product Liability- Defective Design
 - ☒ Count II – Strict Product Liability- Failure to Warn
 - ☒ Count III – Strict Product Liability- Manufacturing Defect
 - ☒ Count IV– Negligence

- ☒ Count V– Negligence Per Se
- ☒ Count VI– Gross Negligence
- ☐ Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

- ☒ Count VIII – Breach of Implied Warranty
- ☒ Count IX – Breach of Express Warranty
- ☒ Count X – Negligent Infliction of Emotional Distress
- ☒ Count XI – Intentional Infliction of Emotional Distress
- ☒ Count XII – Negligent Misrepresentation
- ☒ Count XIII – Fraud and Fraudulent Misrepresentation
- ☒ Count XIV – Fraudulent Concealment
- ☐ Count XV – Wrongful Death
- ☐ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other Count(s) (please identify and state factual and legal bases for other claims not included in the Master Complaint below):

- ☒ Jury Trial is Demanded as to All Counts
- ☐ Jury Trial is NOT Demanded as to All Counts; if Jury Trial is Demanded as to Any Count(s), identify which ones (list below):

Respectfully submitted,

/s/ Bradley L. Leger

BRADLEY L. LEGER

SDTX Bar No.: 38360

Texas Bar No.: 24039899

bleger@lkclawfirm.com

JAMES R. KETCHUM

SDTX Bar No.: 2726793

Texas Bar No.: 24038996

jketchum@lkclawfirm.com

RODNEY K. CASTILLE

SDTX Bar No.: 8282

Texas Bar No.: 03984300

rcastille@lkclawfirm.com

LEGER KETCHUM & COHOON, PLLC

10077 Grogan's Mill Road, Suite 325

The Woodlands, Texas 77380

T: 832.764.7200

F: 832.764.7211

ATTORNEYS FOR PLAINTIFF